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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JSB, a minor, by his parents and natural  
11 guardians MARINA DIAZ and  
12 JOSE DIAZ.

13 Plaintiff,

Case No.: 3:14-cv-00436-LRH-WGC

14 vs.

15 CARSON CITY DEPUTY SHERIFF  
16 HARRY W. WHEELER,

**MOTION TO LIFT STAY**

17 Defendant,  
18 \_\_\_\_\_/

19 Comes Now, Plaintiff, JSB, a minor, by his parents and natural guardians MARINA  
20 DIAZ and JOSE DIAZ, and hereby move that the Court lift the stay in this matter issued on  
21 November 14, 2015. This Motion is based on the following Memorandum of Points and  
22 Authorities.

**MEMORANDUM OF POINTS AND AUTHORITIES**


23 On November 14, 2015, the Court issued an Order (Doc. #28) denying the  
24 Defendant's Motion for Summary Judgment without prejudice. The Court also stayed this  
25 matter pending decision of the Nevada Supreme Court and ordered the parties to submit  
26 and file joint status reports every 6 months after entry of this order updating the court on  
27 the appellate proceedings.  
28

1 On March 5, 2016, the Plaintiff filed a Notice of Dismissal of Related Juvenile  
2 Proceedings (Doc. #29). Therein, the orders from the Nevada Supreme Court and the First  
3 Judicial District Court dismissing and vacating the underlying juvenile charge against JSB  
4 are attached.

5 Based on the ruling from the Nevada Supreme Court and the First Judicial District  
6 Court, there can no longer be any adverse ruling that could preclude liability for the  
7 Defendant under *Heck v. Humphrey*, 512 U.S. 477 (U.S. 1994).  
8

9 Based on the unique procedural situation in this matter, the Plaintiff believes a status  
10 conference would help the Court and the parties ascertain the best way to proceed with this  
11 case, and respectfully requests that the Court grant this Motion lifting the stay on this case  
12 and hold such a status conference.

13 RESPECTFULLY submitted this Thursday, March 31, 2016.

14 By: 

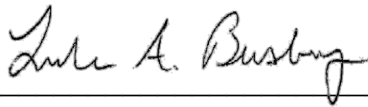
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**CERTIFICATE OF SERVICE**

I hereby certify that on Thursday, March 31, 2016, I electronically transmitted the forgoing pleading to document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel registered to receive Electronic Filings and/or I mailed the forgoing pleading to the address below by US Mail postage prepaid.

Katherine F. Parks, Esq.  
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*Attorney for the Defendant*

By: \_\_\_\_\_



Luke Busby